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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/614,707 07/12/00 ROBINSON

W

EXAMINER

NGUYEN, C

ART UNIT	PAPER NUMBER
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2831

DATE MAILED:

12/22/00

ROBERT HALPER
3118 CALVERTON BOULEVARD
BELTSVILLE MD 20705

MMC1/1222

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/614,707

Applicant(s)

Wayne H. Robinson

Examiner

Chau Nguyen

Group Art Unit

2831

☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) 1-7 is/are allowed.

☒ Claim(s) 8-11 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Jul 12, 2000 is ☒ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Reissue Applications

1. This application is objected to under 37 CFR 1.172(a) as lacking the written consent of all assignees owning an undivided interest in the patent. The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 is required in reply to this Office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 8-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 8, line 1, "the enclosure" lacks antecedent basis.

Claim 8, line 2, "Elecric" should be changed to --Electric--.

Claim 8, line 5, "conector" should be changed to --connector--.

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Claim 9, line 1, "In" should be changed to --in--.

Claim 11 is vague and indefinite since it is not clear to what claim it depends on.

Claim 11, line 1, "dimensionwithin" should be changed to --dimension within--.

Claim 10 is included in this rejection because of dependency.

4. Claims 8-11 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

During the original prosecution, in the Office Action dated Oct. 13, 1998, claim 5 was indicated to be allowable claim. The patent claim 1 was allowed because it incorporated the limitations of claim 5 into the claim original 1. Claim 5 recited that: "the sleeve is in the form of a funnel having a lower, bifurcated, narrow end and a wider upper end having a cylindrical

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extension that threads into said inlet of said enclosure, said funnel having a threaded exterior surface and said compression means including a threaded ring having an internal diameter that corresponds to that of the narrow bifurcated end, and the ring being rotated so as to compress the bifurcated end of the funnel around the conductor”.

It is clear from the record that the patent claim 1 was allowed because it incorporated the limitations of claim 5.

The instant reissue application adds new claims 8-11 in which claim 8 is the independent claim. A review of independent claim 8 indicates that claim 8 does not recite the limitations of claim 5. Thus, claim 8 is broader than the patent claim 1, and the claim is broader in aspects relating to subject matters during the original prosecution. Accordingly, claims 8-11 are rejected under 35 USC 251.

Allowable Subject Matter

5. Claims 1-7 are allowed if they were written as the claims in the surrendered patent.

Communication

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is (703) 308-0693.

A handwritten signature in black ink, appearing to read "Chau Nguyen", with a stylized flourish extending from the end.

Chau N. Nguyen

Patent Examiner

December 20, 2000

FIG. 1

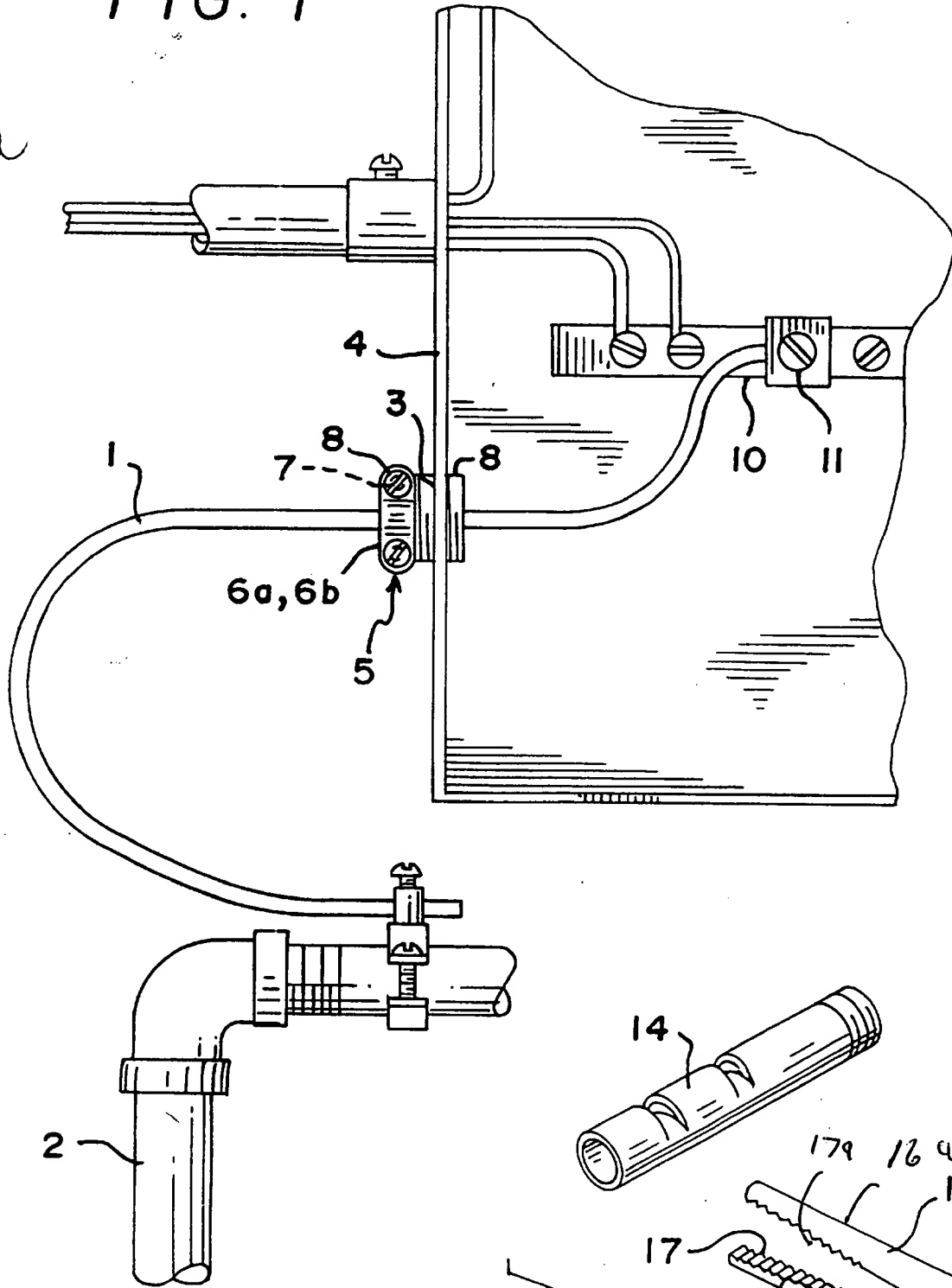


FIG. 3

[illegible]

Not
Approved
CN
12/29/00

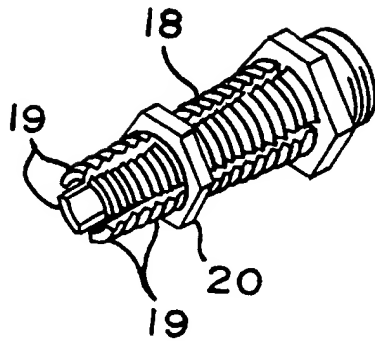


FIG. 5a

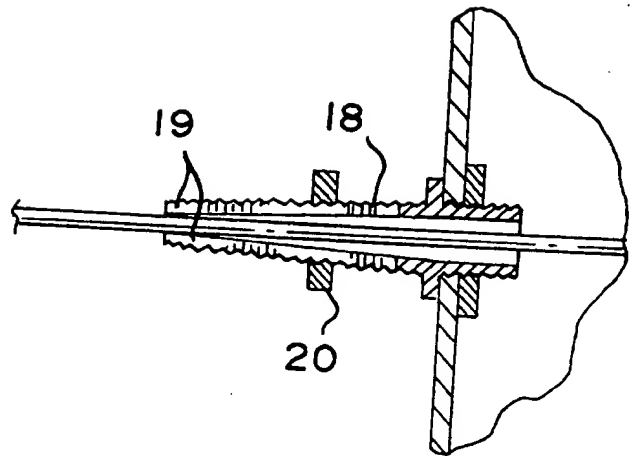


FIG. 5b

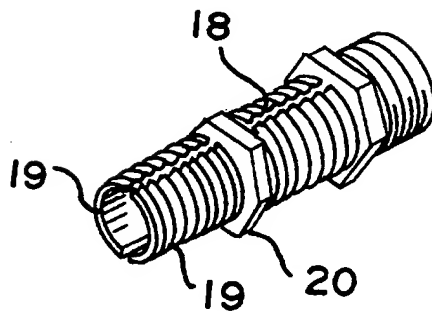


FIG. 4a

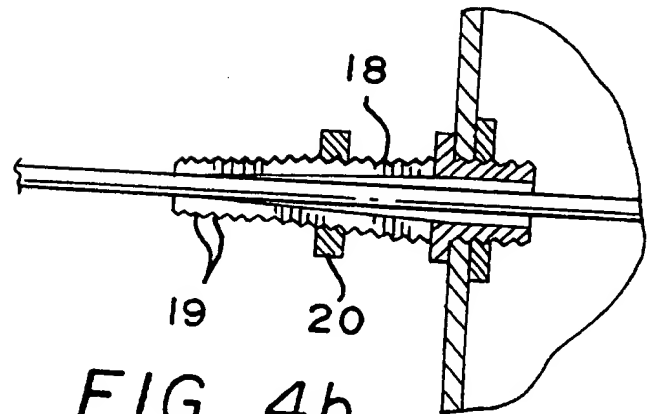


FIG. 4b

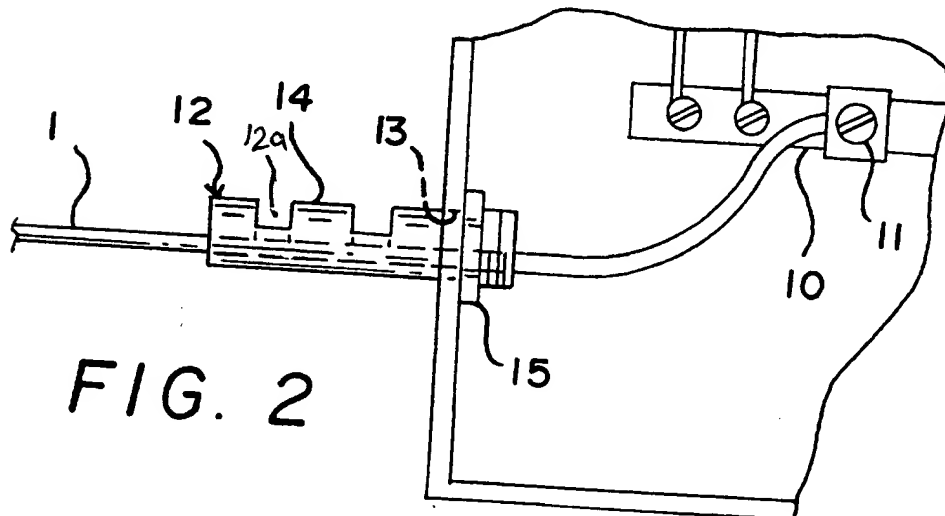


FIG. 2